

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
BISON CAPITAL CORPORATION, :  
Plaintiff, : 10 CV 714 (SHS) (AJP)  
: :  
-against- :  
ATP OIL & GAS CORPORATION, :  
Defendant. :  
: :  
----- X

**DEFENDANT'S OBJECTIONS AND RESERVATION OF OBJECTIONS  
TO TRIAL EXHIBITS DESIGNATED BY PLAINTIFF**

Pursuant to the Court's requirements for the joint pretrial order, and Rule 26(a)(3) of the Federal Rules of Civil Procedure, Defendant ATP Oil & Gas Corporation ("ATP"), files its objections and reservation of objections to the trial exhibits designated by Plaintiff Bison Capital Corporation ("Bison").

Since Bison's "near" final exhibit list was provided to ATP on November 7, 2010, 8:54 PM CST—that is, the night before the November 8, 2010 pre-trial order deadline—ATP reserves the right to amend, supplement and modify the below objections after having a reasonable time to review Bison's exhibit list. Moreover, many documents on Bison's exhibit list have never been produced or disclosed to ATP in violation of Rules 26 and 37 of the Federal Rules of Civil Procedure; therefore, ATP reserves the right to amend, supplement and modify the below objections after Bison produces and ATP has a reasonable time to review these documents.

¶ Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
1.	07--/01, The Wall Street Transcript interview, CEO/Company Interview, Bulmahn (Plf.'s Dep. Ex. 1.)	Immaterial & irrelevant, cumulative (same as Ex. 347) (FRE 402, 403.)	
2.	08/03-07/03, ATP presentation, "EnerCom Oil & Gas Conference" (Plf.'s Dep. Ex. 2.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
3.	08/21/03, ATP press release, "ATP Oil & Gas is High Bidder on Four Gulf of Mexico Lease Blocks" (Plf.'s Dep. Ex. 3; KPMG-A 00139.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
4.	09/02/03, ATP press release, "ATP Oil & Gas Announces Acquisition of Mississippi Canyon 711" (Plf.'s Dep. Ex. 4; KPMG-A 00141.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
5.	--/--/03, ATP presentation, "Lehman Brothers CEO Energy/Power Conference" (Plf.'s Dep. Ex. 5.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
6.	03/08/04, ATP press release, "ATP Announces 526% Reserve Replacement Ratio, 2003 Production and Year-End Reserves and 2004 Development Plans" (Plf.'s Dep. Ex. 6.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
7.	08--/04, The Wall Street Transcript interview, ATP Oil & Gas Corporation (Plf.'s Dep. Ex. 7.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
8.	03/09/04, ATP presentation, "Annual Global Energy Conference" (Plf.'s Dep. Ex. 8.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	

<sup>1</sup> Many of Bison's descriptions of its exhibits are inaccurate, incomplete or misleading. Therefore, ATP has provided a more accurate and complete description of the documents on Bison's exhibit list. Finally, some documents were never produced or disclosed by Bison to ATP, so ATP is unable to determine or describe these purported exhibits.

H Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
9.	06/14-16/04, ATP presentation, "San Francisco and Denver Investor Meetings" (Plf.'s Dep. Ex. 9; ATP 006974 - 7012.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
10.	09/09/10, Spreadsheets titled "CAPEX" and "Valuation Analysis" (Plf.'s Dep. Ex. 10; ATP 008425.)	Immaterial & irrelevant (FRE 402, 403.)	
11.	01/15/05, Email from Reese to Tate, Godwin and Nelson regarding TORS Funding (Plf.'s Dep. Ex. 11; ATP 023201.)	Immaterial & irrelevant (FRE 402, 403.)	
12.	05/14/03, Email from Jensen to Bulmahn, Schlieff, Reese and Tate regarding CSFB Private Equity (Plf.'s Dep. Ex. 12; ATP 021053.)	Immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
13.	05/19/03, Email from Jensen to Bulmahn, Schlieff and Reese regarding Capital Formation (Plf.'s Dep. Ex. 13; ATP 023267.)	Immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
14.	05/--/03, draft Engagement Letter between Durham Capital and ATP (Plf.'s Dep. Ex. 14; ATP 019600 - 19607.)	Immaterial & irrelevant (FRE 402, 403.)	
15.	11/13/03, Email from Nelson to Crowley regarding Genda, Cerberus Capital (Plf.'s Dep. Ex. 15; ATP 036270.)	Immaterial & irrelevant (FRE 402, 403.)	
16.	09/09/10, Wikipedia article, "Cerberus," the multi-headed hound (Plf.'s Dep. Ex. 16.)	Lacks sufficient foundation & authenticity, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
17.	09/09/10, Cerberus/Ableco website page regarding personnel (Plf.'s Dep. Ex. 17.)	Lacks sufficient foundation & authenticity, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	

II Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
18.	12/30/03, Ableco letter to ATP regarding “Event of Default” (Plf.’s Dep. Ex. 18.)	Immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
19.	03/--/04, KPMG memo regarding “Going Concern Assessment” (Plf.’s Dep. Ex. 19; KPMG-A 00989 – 993.)	Lacks sufficient foundation & authenticity, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802, 1002, 1003(1).)	
20.	03/12/04, KPMG report, “Independent Auditors’ report to the members of ATP Oil & Gas (UK) Limited” (Plf.’s Dep. Ex. 20; KPMG-A 00031 – 35.)	Lacks sufficient foundation & authenticity, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802, 1002, 1003(1).)	
21.	02/04/04, Email from Archer to Schlieff, Reese and Nelson regarding Near Term Items (Plf.’s Dep. Ex. 21; ATP 008931 – 8932.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
22.	11/--/04, “Draft” Credit Suisse First Boston presentation, “Financing of the Year Nomination” (Plf.’s Dep. Ex. 22; ATP 008988 – 8989.)	Immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
23.	03/28/04, KPMG notes, ATP Audit Committee Meeting regarding “2003 Audit and Form 10-K” (Plf.’s Dep. Ex. 23; KPMG-A 00459 – 461.)	Lacks sufficient foundation & authenticity, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802, 1002, 1003(1).)	

Pl Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
24.	ATP Oil & Gas Corporation Discovery Privilege Log (Plf.'s Dep. Ex. 24.)	Immaterial & irrelevant, prejudicial, cumulative (same as Ex. 344) (FRE 402, 403.)	
25.	03/10/04, ATP voucher, "Untransferred Vouchers for Review" (Plf.'s Dep. Ex. 25; KPMG-A 00504.)	Lacks sufficient foundation, immaterial & irrelevant (FRE 402, 403, 802.)	
26.	01/30/04, Email from Ormand to Schlieff and Reese regarding Energy Finance Merchants LLC – Indicative Term Sheet (Plf.'s Dep. Ex. 26; ATP 008971 – 8972.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
27.	10/29/03, unsigned Engagement Letter between Jefferies & Company and ATP (Plf.'s Dep. Ex. 27; ATP 019584 – 19594.)	Immaterial & irrelevant (FRE 402, 403.)	
28.	11/12/03, ATP memo to Ormand and Meeks regarding Engagement Letter (Plf.'s Dep. Ex. 28; ATP 025519 – 25520.)	Immaterial & irrelevant, cumulative (same as Ex. 368) (FRE 402, 403.)	
29.	11/14/03, Engagement Letter between CIBC World Markets and ATP (Plf.'s Dep. Ex. 29; ATP 040156 – 40167.)	Immaterial & irrelevant (FRE 402, 403.)	
30.	03/27/03, Engagement Letter between CIBC World Markets and ATP (Plf.'s Dep. Ex. 30; ATP 040144 – 40152.)	Immaterial & irrelevant (FRE 402, 403.)	
31.	01/29/04, Advisory Services Agreement between Alvarez & Marsal and ATP (Plf.'s Dep. Ex. 31.)	Immaterial & irrelevant (FRE 402, 403.)	
32.	12/23/03, Email from Schlieff to Morris and Nelson regarding Rothschild Meeting (Plf.'s Dep. Ex. 32; ATP 005132.)		
33.	01/10/04, Email from Reese to Bulmahn, Schlieff and Godwin regarding Rothschild Summary Document (Plf.'s Dep. Ex. 33; ATP 005133 – 5134.)	Cumulative (same as Ex. 190) (FRE 403.)	

Pl.Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
34.	01/10/04, Rothschild's "Teaser" document regarding ATP (Plf.'s Dep. Ex. 34; ATP 005135 – 5139.)		
35.	01/31/04, Email from Schlieff to Nelson regarding Ed Wells (Plf.'s Dep. Ex. 35; ATP 005140.)		
36.	02/11/04, Emails between Wells and Schlieff regarding Bison-ATP Engagement (Plf.'s Dep. Ex. 36; ATP 005141 – 5147.)		
37.	02/13/04, Email from Schlieff to Tschirhart regarding Revised Bison-ATP Engagement (Plf.'s Dep. Ex. 37; ATP 005148 – 5155.)		
38.	02/01/04, Executed Services Agreement between Bison and ATP (Plf.'s Dep. Ex. 38; ATP 000001 – 11.)	Cumulative (same as Ex. 177) (FRE 403.)	
39.	02/11/04, Credit Suisse First Boston presentation, "Materials for Discussion" regarding ATP (Plf.'s Dep. Ex. 39; ATP 037931 – 37954.)		
40.	02/13/04, Credit Suisse First Boston presentation, "Materials for Discussion" regarding ATP (Plf.'s Dep. Ex. 40; ATP 037971 – 38009.)		
41.	02/13/04, ATP's Board of Directors Minutes (Plf.'s Dep. Ex. 41; KPMG-A 00071 – 79.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
42.	02/13/04, Resolution of ATP's Board of Directors (Plf.'s Dep. Ex. 42; KPMG-A 00080 – 84.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
43.	02/16/04, ATP presentation, "Capital Transactions Assessment" (Plf.'s Dep. Ex. 43; ATP 037832 – 37842.)		
44.	11/18/04, Email from Nelson to Miceli regarding Q-Internal Model (Plf.'s Dep. Ex. 44; ATP 008208.)	Immaterial & irrelevant, prejudicial (FRE 402, 403.)	

## Exhibit D6 to Joint Pre-Trial Order

Ex.	Description <sup>1</sup>	Objection	Admitted/ Not Admitted
45.	02/25/04, draft Document, "Outline of Potential Claims: ATP vs. Ableco & Cerberus" (Plf.'s Dep. Ex. 45; B-000747 – 749.)	Lacks sufficient foundation & authenticity, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802, 1002, 1003(1).)	
46.	03/23/04, Fee Letter Agreement between Credit Suisse First Boston and ATP (Plf.'s Dep. Ex. 46; KPMG 00029 – 32.)	Immaterial & irrelevant, cumulative (same as Ex. 169) (FRE 402, 403.)	
47.	04/12/04, Email from Meraz to Schlieff and Reese regarding Offering Timetable Update (Plf.'s Dep. Ex. 47; ATP 020801.)	Immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
48.	04/--/04, Credit Suisse First Boston presentation, "Offering Timetable" (Plf.'s Dep. Ex. 48; ATP 020802 – 20804.)	Immaterial & irrelevant, hearsay, cumulative (same as Ex. 353) (FRE 402, 403, 802.)	
49.	05/03/04, Email from Nelson to Godwin, Reese, Bulmahn and Schlieff regarding 2004 Production and CAPEX Meeting (Plf.'s Dep. Ex. 49; ATP 008141.)	Immaterial & irrelevant, cumulative (same as Exs. 133 & 141) (FRE 402, 403.)	
50.	02/13/04, Credit Suisse First Boston presentation, "Materials for Discussion" regarding ATP (Plf.'s Dep. Ex. 50; B-003218 – 3223.)	Immaterial & irrelevant (FRE 402, 403.)	
51.	01/14/05, Email from Reese to Bulmahn et al. regarding CSFB and A New Deal (Plf.'s Dep. Ex. 51; ATP 005223.)	Immaterial & irrelevant (FRE 402, 403.)	
52.	01/21/05, Email from Schlieff to Reese, Nelson and Bulmahn regarding ATP-Financing Proposals (Plf.'s Dep. Ex. 52; ATP 008821 – 8827.)	Immaterial & irrelevant (FRE 402, 403.)	

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IT Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
53.	01/21/05, Email from Reese to Schlieff, Bulmahn, Plume and Godwin regarding CSFB Deal (Plf.'s Dep. Ex. 53; ATP 009479.)	Immaterial & irrelevant (FRE 402, 403.)	
54.	02/03/05, Email from Reese to Bulmahn, Schlieff, Nelson, Plume and Godwin regarding Fee Structure (Plf.'s Dep. Ex. 54; ATP 009487.)	Immaterial & irrelevant (FRE 402, 403.)	
55.	01/20/05, Letter from Yetter & Warden to ATP (Plf.'s Dep. Ex. 55; ATP 000020 – 23.)		
56.	03/04/05, Credit Suisse First Boston presentation, "Time and Responsibilities Schedule" regarding ATP (Plf.'s Dep. Ex. 56; ATP 008929 – 8930.)	Immaterial & irrelevant (FRE 402, 403.)	
57.	03/29/05, Credit Suisse First Boston presentation, "Lender Presentation" regarding ATP (Plf.'s Dep. Ex. 57; ATP 037757 – 37783.)	Immaterial & irrelevant (FRE 402, 403.)	
58.	06/20/03, Email from Fording to Reese and Nelson regarding Clarification on lockbox issue (Plf.'s Dep. Ex. 58; ATP 025124.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial, cumulative (same as Ex. 375) (FRE 402, 403, 802.)	
59.	10/03/03, Emails between Kaplan and Reese regarding BayStar Capital (Plf.'s Dep. Ex. 59; ATP 025037 – 25038.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
60.	10/17/03, Emails between Godwin and Fording regarding Follow up Questions from August reporting (Plf.'s Dep. Ex. 60; ATP 025042 – 25045.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	

Pl Ex.	Description	Δ Objection	Admitted/ Not Admitted
61.	10/16/03, Email from Rowe to Reese et al. regarding UK Cash Flows and Reserve Reports (Plf.'s Dep. Ex. 61; ATP 024821 – 24822.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
62.	11/03/03, Email from Fording to Reese regarding Amendment draft (Plf.'s Dep. Ex. 62; ATP 024861, 25063.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
63.	11/05/03, Email from Godwin to Reese regarding Cash Flow (Plf.'s Dep. Ex. 63; ATP 025062.)	Immaterial & irrelevant (FRE 402, 403.)	
64.	11/06/03, Email from Fording to Reese regarding Cash Flow (Plf.'s Dep. Ex. 64; ATP 025090.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
65.	11/11/03, Email from Fording to Reese regarding Required information and update on approval process for waiver/amendment (Plf.'s Dep. Ex. 65; ATP 025039.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
66.	11/06/03, Email from Fording to Reese regarding Model, Cash Flow and Borrowing Base (Plf.'s Dep. Ex. 66; ATP 025066 – 25067.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	

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Pl Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
67.	11/12/03, Email from Fording to Reese regarding Amendment (Plf.'s Dep. Ex. 67; ATP 025140 – 25141.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
68.	11/11/03, ATP memo to Fording regarding Models (Plf.'s Dep. Ex. 68; ATP 025350 – 25361.)	Immaterial & irrelevant, prejudicial (FRE 402, 403.)	
69.	11/06/03, ATP memo to “File” regarding Assumptions of Cash Flow as of November 6, 2003 Provided to Bank (Plf.'s Dep. Ex. 69; ATP 025054 – 25057.)	Immaterial & irrelevant, cumulative (Ex. 369) (FRE 402, 403.)	
70.	--/---, Document titled, “Here are the basic terms of the bridge loan” (Plf.'s Dep. Ex. 70; ATP 021038 – 21039.)	Lacks sufficient foundation & authenticity, immaterial & irrelevant (FRE 402, 403.)	
71.	11/11/03, Email from Christopher to Reese and Godwin regarding Second Draft of Ableco Amendment (Plf.'s Dep. Ex. 71; ATP 025087 – 25088.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
72.	--/---, Document titled, “Desired Changes to Ableco/WFF Agreement” (Plf.'s Dep. Ex. 72; ATP 025228 – 25229.)	Lacks sufficient foundation & authenticity, immaterial & irrelevant, prejudicial (FRE 402, 403.)	
73.	11/25/03, Email from Fording to Godwin and Foothill Capital regarding End of Month Needs (Plf.'s Dep. Ex. 73; ATP 024848.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	

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Pl.Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
74.	01/09/04, Email from Fording to Reese regarding Response to 12/31 letter (Plf.'s Dep. Ex. 74; ATP 024455.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
75.	01/15/04, Email from Fording to Reese regarding Supplemental Information for 011504 Borrowing Request (Plf.'s Dep. Ex. 75; ATP 024648 – 24649.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
76.	01/21/04, Ableco Letter to ATP regarding rescinding of "Event of Default" (Plf.'s Dep. Ex. 76.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
77.	01/03/05, Email from Reese to Casas and Perry regarding CSFB Meeting (Plf.'s Dep. Ex. 77; ATP 023013.)	Immaterial & irrelevant (FRE 402, 403.)	
78.	01/19/05, Email from Reese to Godwin regarding "Stuff" (Plf.'s Dep. Ex. 78; ATP 009484.)	Immaterial & irrelevant (FRE 402, 403.)	
79.	02/10/05, Email from Schlief to Perry regarding Meeting tomorrow (Plf.'s Dep. Ex. 79; ATP 022877.)	Immaterial & irrelevant (FRE 402, 403.)	
80.	03/02/05, Document titled, "ATP/CSFB Credit Agreement, Points to Consider" (Plf.'s Dep. Ex. 80; ATP 021958.)	Lacks sufficient foundation & authenticity, immaterial & irrelevant (FRE 402, 403.)	
81.	03/11/05, Email from Nelson to Tate regarding CSFB CIM - UK P2 PV10 Value (Plf.'s Dep. Ex. 81; ATP 008877, 8930.)	Immaterial & irrelevant (FRE 402, 403.)	
82.	03/24/05, Email from Reese regarding CSFB Dry Run (Plf.'s Dep. Ex. 82; ATP 019512.)	Immaterial & irrelevant (FRE 402, 403.)	

II Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
83.	03/24/05, Email from Reese regarding CSFB CIM Meeting (Plf.'s Dep. Ex. 83; ATP 019517.)	Immaterial & irrelevant (FRE 402, 403.)	
84.	03/29/05, Email from Schlierf to Reese regarding ATP-CIM Drafting/Sign Off Wednesday (Plf.'s Dep. Ex. 84; ATP 023230 – 23232.)	Immaterial & irrelevant (FRE 402, 403.)	
85.	03/29/05, Email from Reese to Nelson et al. regarding Final CSFB Presentation (Plf.'s Dep. Ex. 85; ATP 019172 – 19173.)	Immaterial & irrelevant (FRE 402, 403.)	
86.	03/29/05, Credit Suisse First Boston presentation, "Private Lender Presentation" regarding ATP (Plf.'s Dep. Ex. 86; ATP 019174 – 19225.)	Immaterial & irrelevant (FRE 402, 403.)	
87.	03/--/05, Credit Suisse First Boston Confidential Information Memorandum regarding \$350,000,000 Senior Secured Term Loan Facility (Plf.'s Dep. Ex. 87; ATP 007099 – 7150.)		
88.	04/14/05, unsigned Amendment Agreement between Credit Suisse First Boston and ATP (Plf.'s Dep. Ex. 88; ATP 009191 – 9197.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
89.	02/10/04, Platts Oilgram News article, "Debt heavy ATP banks on North Sea Production" (Plf.'s Dep. Ex. 89; B-000829, 831.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
90.	03/02/04, Raymond James "Equity Research" report regarding ATP (Plf.'s Dep. Ex. 90; ATP 020417 – 420.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
91.	11/11/04, Email from Perry to Reese and Bales regarding ATP Oil and Gas Investor Nomination (Plf.'s Dep. Ex. 91; ATP 008980 – 8981.)	Immaterial & irrelevant (FRE 402, 403.)	
92.	01/11/04, Email from Reese to Reese regarding Ableco Document (Plf.'s Dep. Ex. 92; ATP 008936 – 8940.)	Immaterial & irrelevant, prejudicial (FRE 402, 403.)	

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Pl Ex	Description <sup>1</sup>	A Objection	Admitted/ Not Admitted
93.	--/---, Document titled, "Senior Secured Bridge Facility" with handwritten notations (Plf.'s Dep. Ex. 93; B-006627 – 6630.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, cumulative (same as Ex. 295) (FRE 402, 403, 802.)	
94.	--/---, Document titled, "Provisional Term Sheet for Offering of Convertible Note" (Plf.'s Dep. Ex. 94; ATP ???????.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
95.	04/14/03, Email from Crook to Reese regarding ATP Term Sheet (Plf.'s Dep. Ex. 95; ATP 019547.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
96.	03/04/02, Article "ATP Oil & Gas Corporation Announces 2001 Record Breaking Proved Oil & Gas Reserves and Production" (Plf.'s Dep. Ex. 96.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
97.	06/10/03, PR Newswire article, "ATP Oil & Gas Corporation Acquires West Cameron 663" (Plf.'s Dep. Ex. 97.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
98.	05/28/04, Upstream article, "ATP plans a new setting for Emerald" (Plf.'s Dep. Ex. 98.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
99.	03/16/05, Fair Disclosure Wire article, "Q4 2004 ATP Oil & Gas Earnings Conference Call - F" (Plf.'s Dep. Ex. 99.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	

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II Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
100.	03/21/05, PR Newswire US article, “ATP Apparent High Bidder on Seven Gulf of Mexico Lease Blocks” (Plf.’s Dep. Ex. 100.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
101.	05/24/05, PR Newswire US article, “ATP Awarded Seven Gulf of Mexico Lease Blocks” (Plf.’s Dep. Ex. 101.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
102.	10/18/05, PR Newswire US article, “ATP Awarded Two Gulf of Mexico Lease Blocks” (Plf.’s Dep. Ex. 102.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
103.	12/15/05, PR Newswire US article, “ATP Awarded Third of Three Gulf of Mexico Lease Blocks” (Plf.’s Dep. Ex. 103.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
104.	12/19/05, PR Newswire article, “ATP Increases Venture Ownership” (Plf.’s Dep. Ex. 104.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
105.	03/20/06, Business Wire article, “ATP Apparent High Bidder on Gulf of Mexico Lease Block” (Plf.’s Dep. Ex. 105.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
106.	07/25/06, Business Wire article, “ATP Increases Strategic Presence in the Deepwater Gulf of Mexico” (Plf.’s Dep. Ex. 106.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
107.	01/24/07, Business Wire article, “ATP Anduin Package: Major Gomez Expansion” (Plf.’s Dep. Ex. 107.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	

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Pl Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
108.	03/30/07, Offshore article, “ATP plans Gomex expansion” (Plf.’s Dep. Ex. 108.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
109.	02/16/07, Upstream article, “ATP booster for Innovator hub” (Plf.’s Dep. Ex. 109.)	Immaterial & irrelevant, hearsay, cumulative (FRE 402, 403, 802.)	
110.	11/05/07, ATP press release, “Gerald W. Schlief to Retire from ATP” (Plf.’s Dep. Ex. 110.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
111.	08/15/03, Fair Disclosure Wire transcript, “Q2 2003 ATP Oil & Gas Earnings Conference Call - Final” (Plf.’s Dep. Ex. 111.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
112.	08/13/03, Second Amended and Restated Financing Agreement between ATP and Ableco and Wells Fargo Foothill (Plf.’s Dep. Ex. 112.)	Immaterial & irrelevant, prejudicial (FRE 402, 403.)	
113.	07/31/02, Amended and Restated Credit Agreement between ATP and Union Bank of California (Plf.’s Dep. Ex. 113.)	Immaterial & irrelevant, prejudicial (FRE 402, 403.)	
114.	06/24/03, Email from Fording to Schlief regarding Follow up from call (Plf.’s Dep. Ex. 114; ATP 025078 – 25079.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
115.	07/14/03, unsigned Letter from Durham Capital to ATP regarding “final terms and conditions of the agreement” (Plf.’s Dep. Ex. 115; ATP 026138 – 26139.)	Lacks sufficient foundation, immaterial & irrelevant, prejudicial (FRE 402, 403.)	
116.	08/14/03, ATP press release, “ATP Oil & Gas Executes \$110 Million Senior Credit Facility” (Plf.’s Dep. Ex. 116; KPMG-A 00131.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	

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Pl Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
117.	10/24/03, Email from Schlierf to Turner, Bulmahn, Tate and Reese regarding First Oil AFE Approval (Plf.'s Dep. Ex. 117; ATP 024856.)	Immaterial & irrelevant, prejudicial (FRE 402, 403.)	
118.	11/07/03, Email from Schlierf to Fording and Reese regarding Model, Cash Flow and Borrowing Base (Plf.'s Dep. Ex. 118; ATP 024801 – 24802.)	Immaterial & irrelevant, cumulative, prejudicial (FRE 402, 403.)	
119.	12/23/03, Email from Schlierf to Fording and Fortenza regarding Cash Flow (Plf.'s Dep. Ex. 119; ATP 008948.)	Immaterial & irrelevant, prejudicial (FRE 402, 403.)	
120.	12/24/03, Email from Kitchen to Schlierf and Reese regarding Update (Plf.'s Dep. Ex. 120; ATP 02647.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
121.	01/20/04, Email from Reese to Kitchen regarding Your Request (Plf.'s Dep. Ex. 121; ATP 024630.)	Immaterial & irrelevant (FRE 402, 403.)	
122.	02/13/04, Email from Wells to Schlierf regarding Revised Bison-ATP Engagement Letter (Plf.'s Dep. Ex. 122; ATP 018229 – 18239.)		
123.	Webster's New Universal Unabridged Dictionary definition, "each" (Plf.'s Dep. Ex. 123.)	Immaterial (FRE 402, 403.)	
124.	Black's Law Dictionary definition, "each" (Plf.'s Dep. Ex. 124.)	Immaterial (FRE 402, 403.)	
125.	Webster's New Universal Unabridged Dictionary definition, "to be" (Plf.'s Dep. Ex. 125.)	Immaterial (FRE 402, 403.)	
126.	Black's Law Dictionary definition, "funds" (Plf.'s Dep. Ex. 126.)	Immaterial (FRE 402, 403.)	
127.	dictionary.reference.com definition, "aggregate" (Plf.'s Dep. Ex. 127.)	Immaterial, incomplete (FRE 402, 403.)	
128.	Black's Law Dictionary definition, "aggregate" (Plf.'s Dep. Ex. 128.)	Immaterial (FRE 402, 403.)	

## Exhibit D6 to Joint Pre-Trial Order

Pl Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
129.	www.merriam-webster.com definition, “consummate” (Plf.’s Dep. Ex. 129.)	Immaterial (FRE 402, 403.)	
130.	dictionary.reference.com definition, “consummate” (Plf.’s Dep. Ex. 130.)	Immaterial, incomplete (FRE 402, 403.)	
131.	Black’s Law Dictionary definition, “consummate” (Plf.’s Dep. Ex. 131.)	Immaterial (FRE 402, 403.)	
132.	www.merriam-webster.com definition, “provide” (Plf.’s Dep. Ex. 132.)	Immaterial (FRE 402, 403.)	
133.	05/03/04, Email from Nelson to Godwin, Reese, Bulmahn and Schlieff regarding 2004 Production & CAPEX Meeting (Plf.’s Dep. Ex. 133; ATP 008141.)	Immaterial & irrelevant, cumulative (same as Exs. 49 & 141) (FRE 402, 403.)	
134.	05/15/03, ATP’s Form 10-Q for quarterly period ending March 31, 2003 (Plf.’s Dep. Ex. 134.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
135.	08/14/03, ATP’s Form 10-Q for quarterly period ending June 30, 2003 (Plf.’s Dep. Ex. 135.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
136.	11/19/03, ATP’s Form 10-Q for quarterly period ending September 30, 2003 (Plf.’s Dep. Ex. 136.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
137.	08/08/03, Email from Nelson to Godwin regarding Important (Plf.’s Dep. Ex. 137; ATP 025804.)	Immaterial & irrelevant (FRE 402, 403.)	
137(B)	09/07/04, Email from Nelson to Rowe regarding Financial Hedge (Plf.’s Dep. Ex. 137; ATP 020572 – 20574.)	Immaterial & irrelevant (FRE 402, 403.)	
138.	03/10/04, ATP Memo to Schlieff and Reese regarding Impact of Drilling CAPEX on Subsequent Year Production (Plf.’s Dep. Ex. 138; ATP 023261.)	Immaterial & irrelevant (FRE 402, 403.)	

## Exhibit D6 to Joint Pre-Trial Order

Pl Ex.	Description <sup>1</sup>	Objection	Admitted/ Not Admitted
139.	01/08/04, Email from Meek to Nelson and Reese regarding Models (Plf.'s Dep. Ex. 139; ATP 024667.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
140.	02/16/04, ATP presentation, "Capital Transactions Assessment" (Plf.'s Dep. Ex. 140; ATP 021693 – 21699.)		
141.	05/03/04, Email from Nelson to Godwin, Reese, Bulmahn and Schlieff regarding 2004 Production & CAPEX Meeting (Plf.'s Dep. Ex. 141; ATP 008141.)	Immaterial & irrelevant, cumulative (same as Exs. 49 & 133) (FRE 402, 403.)	
142.	09/17/04, Email from Nelson to Mills regarding From S&P (Plf.'s Dep. Ex. 142; ATP 007985.)	Immaterial & irrelevant (FRE 402, 403.)	
143.	09/17/10, ATP presentation, "The Importance of the Gulf of Mexico and the Independent Operators" (Plf.'s Dep. Ex. 143.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
144.	04/12-14/10, ATP presentation, "IPAA Oil & Gas Investment Symposium" (Plf.'s Dep. Ex. 144.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
145.	02/05/10, ATP presentation, "Energy Summit Conference" (Plf.'s Dep. Ex. 145.)	Immaterial & irrelevant, cumulative (same as Ex. 290) (FRE 402, 403.)	
146.	05/18/10, ATP presentation, "The Stock & Bond Club of South Florida" (Plf.'s Dep. Ex. 146.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
147.	12/14-16/09, ATP presentation, "Investor Presentation" (Plf.'s Dep. Ex. 147.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	

## Exhibit D6 to Joint Pre-Trial Order

II Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
148.	01/22/04, Sterne, Agee & Leach Equity Research report regarding ATP (Plf.'s Dep. Ex. 148.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
149.	04/30/04, Email from Boukouzis to Reese regarding Summary of Kelso Conversation (Plf.'s Dep. Ex. 149; ATP 020748.)	Immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
150.	04/30/04, Email from Boukouzis to Schlieff and Reese regarding Summary of Kelso Conversation (Plf.'s Dep. Ex. 150; ATP 020749 – 20750, 023150 – 23152.)	Immaterial & irrelevant, hearsay (FRE 402, 403, 802.)	
151.	02/06/04, Email from Wells to Hassen regarding financing Opportunity (Plf.'s Dep. Ex. 151; B-015737.)		
152.	www.merriam-webster.com definition, “permanent” (Plf.'s Dep. Ex. 152.)	Immaterial (FRE 402, 403.)	
153.	03/--/04, Credit Suisse First Boston presentation, “\$175 Million Senior Secured Term Loan Facility” (Plf.'s Dep. Ex. 153; CSSU-ATP 00395 – 445.)	Cumulative (same as Ex. 242) (FRE 403.)	
154.	06/16/03, The New York Times article, “Cordiant Communications Considers 2 Buyout Offers” (Plf.'s Dep. Ex. 154.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, cumulative, prejudicial (FRE 402, 403, 802.)	
155.	06/17/03, The New York Times article, “WPP makes another offer in its fight with Publicis for control of Cordiant” (Plf.'s Dep. Ex. 155.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, cumulative, prejudicial (FRE 402, 403, 802.)	

## Exhibit D6 to Joint Pre-Trial Order

PlEx.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
156.	06/18/03, The New York Times article, "WPP Moves Closer to Accord to Buy British Ad Company" (Plf.'s Dep. Ex. 156.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, cumulative, prejudicial (FRE 402, 403, 802.)	
157.	06/20/03, Independent (UK) article, "Outlook: WPP/Cordiant" (Plf.'s Dep. Ex. 157.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, cumulative, prejudicial (FRE 402, 403, 802.)	
158.	06/04/03, Guardian (UK) article, "City raiders join battle for Cordiant" (Plf.'s Dep. Ex. 158.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, cumulative, prejudicial (FRE 402, 403, 802.)	
159.	12/03/04, ATP's Form 8-K (Plf.'s Dep. Ex. 159.)		
160.	08/11/10, Email from Foerster to Rodgers and Walton regarding Expert Agreement (Plf.'s Dep. Ex. 160; FOERSTER 0002 – 5.)	Immaterial & irrelevant (FRE 402, 403.)	
161.	08/12/10, Email from Foerster to Rodgers regarding Hilton Hotels Confirmation (Plf.'s Dep. Ex. 161; FOERSTER 0009 – 13.)	Immaterial & irrelevant (FRE 402, 403.)	
162.	08/16/10, Foerster's Expert Report (Plf.'s Dep. Ex. 162; FOERSTER 0124 – 145.)		
163.	02/21/06, Foerster's expert report in Case No. 8:04-cv-1791-T-24-SCB-TGW, <i>McMahan Securities v. FB Foods Inc. et al.</i> , M.D. Florida (Plf.'s Dep. Ex. 163.)	Immaterial & irrelevant (FRE 402, 403.)	

## Exhibit D6 to Joint Pre-Trial Order

Pl.Ex.	Description <sup>1</sup>	Objection	Admitted/ Not Admitted
164.	04/06/07, Foerter's deposition testimony excerpts in Case No. 05-004090-CACE-18, <i>CVF Securities, Inc. v. Digital Latin America, LLC</i> , 17th Judicial Circuit, Broward County, Florida (Plf.'s Dep. Ex. 164.)	Immaterial & irrelevant, incomplete (FRE 402, 403.)	
165.	<i>Deutsche Bank Securities Inc. v. Rhodes</i> , 578 F. Supp.2d 652 (S.D. N.Y. 2008) (Plf.'s Dep. Ex. 165.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
166.	<i>CIBC World Markets Corp. v. TechTrader, Inc.</i> , 183 F. Supp.2d 605 (S.D. N.Y. 2001) (Plf.'s Dep. Ex. 166.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
167.	<i>Chase Manhattan Bank, N.A. v. Remington Products, Inc.</i> , 865 F. Supp. 194 (S.D. N.Y. 1994) (Plf.'s Dep. Ex. 167.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
168.	<i>Mercury Partners LLC v. Pacific Medical Buildings, LP</i> , No. 02 Civ. 6005 (HBP), 2007 WL 2197830 (S.D. N.Y. July 31, 2007) (Plf.'s Dep. Ex. 168.)	Lacks sufficient foundation, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
169.	03/23/04, Fee Letter Agreement between Credit Suisse First Boston and ATP (Plf.'s Dep. Ex. 169; KPMG-A 00029 – 32.)	Immaterial & irrelevant, cumulative (same as Ex. 46) (FRE 402, 403.)	

II Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
170.	02/11/00, Letter Agreement between Ellington Management Group and Phoenix Capital Investments (Plf.'s Dep. Ex. 170.)	Lacks sufficient foundation & authenticity, immaterial & irrelevant, hearsay, prejudicial (FRE 402, 403, 802.)	
171.	09/23/04, unsigned Engagement Letter between Credit Suisse First Boston and ATP (Plf.'s Dep. Ex. 171; ATP 022739 – 22743.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
172.	09/24/04, Engagement Letter between Credit Suisse First Boston and ATP (Plf.'s Dep. Ex. 172; CSSU-ATP 000040 – 43.)	Immaterial & irrelevant (FRE 402, 403.)	
173.	09/24/04, Amendment No 1, Consent, Wavier and Agreement between Credit Suisse First Boston and ATP (Plf.'s Dep. Ex. 173; ATP 008995 – 9005.)		
174.	04/14/05, Amendment Agreement between Credit Suisse First Boston and ATP (Plf.'s Dep. Ex. 174; ATP 001142 – 1159.)		
175.	03/29/04, Warrant Agreement between ATP and "Holders from Time to Time" (Plf.'s Dep. Ex. 175; ATP 000927 – 958.)	Immaterial & irrelevant (FRE 402, 403.)	
176.	09/24/04, ATP's Form 8-K (Plf.'s Dep. Ex. 176.)		
177.	02/01/04, Executed Service Agreement between Bison and ATP (Def.'s Dep. Ex. 1; B-006585 – 6591.)	Cumulative (same as Ex. 38) (FRE 403.)	
178.	02/10/04, "Draft"—February 1, 2004 Service Agreement and Indemnity Agreement between Bison and ATP (Def.'s Dep. Ex. 2; B-006576 – 6584.)		
179.	02/06/04, Email from Wells to Schlief regarding Bison-ATP Engagement Letter (Def.'s Dep. Ex. 3; B-002218 – 2228.)		
180.	09/11/03, Letter Agreement between Rothschild and Denbury Resources (Def.'s Dep. Ex. 4, 13; B-015727 – 15735.)		

II Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
181.	05/21/04, Executed Letter Agreement between Magellan and Bison (Def.'s Dep. Ex. 5; B-016061 – 16071.)		
182.	03/29/04, Bison Statement for Financial Advisory Services (\$1,937,987.20) (Def.'s Dep. Ex. 6; ATP 000012.)		
183.	10/15/04, Bison Statement for Services (\$2,200,000) (Def.'s Dep. Ex. 7; ATP 000018.)		
184.	10/15/04, Bison Letter to ATP concerning payment of \$2,200,000 for 9/24/04 capital transaction (Def.'s Dep. Ex. 8; ATP 000014 – 18.)		
185.	01/20/05, Yetter & Warden Letter to ATP concerning payment of \$2,200,000 and threatening litigation (Def.'s Dep. Ex. 9; ATP 000020 – 21.)		
186.	01/28/05, ATP Letter responding to Yetter & Warden's 1/20/05 Letter (Def.'s Dep. Ex. 10; ATP 000022.)		
187.	06/19/03, Letter Agreement between Rothschild and Denbury Resources (Def.'s Dep. Ex. 11; B-015707 – 15713.)		
188.	12/26/03, Letter Agreement between Rothschild and Lithcon Petroleum USA (Def.'s Dep. Ex. 12; B-015602 – 15611.)		
189.	09/11/03, Letter Agreement between Rothschild and Denbury Resources (Def.'s Dep. Ex. 13; B-015717 – 15723.)		
190.	01/10/04, Email from Reese to Bulmahn, Schlief and Godwin regarding Rothschild Summary Document (Def.'s Dep. Ex. 14; ATP 005133 – 5139.)	Cumulative (same as Ex. 33) (FRE 403.)	
191.	03/--/07, Resolutions of Directors of ATP regarding Amendment No. 1 and Agreement to the Third Amended and Restated Credit Agreement (ATP 002043 - 2046.)	Immaterial & irrelevant, cumulative, incomplete (FRE 402, 403.)	
192.	04/--/05, Resolutions of Directors of ATP regarding Amendment Agreement and Amended and Restated Credit Agreement (ATP 001664 - 1666.)	Immaterial & irrelevant, cumulative, incomplete (FRE 402, 403.)	

## Exhibit D6 to Joint Pre-Trial Order

II Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
193.	04/--/05, Payoff and Lien Release Agreement between ATP and Credit Suisse First Boston (ATP 001584 - 1591.)	Immaterial & irrelevant (FRE 402, 403.)	
194.	03/30/04, ATP press release, "ATP Oil & Gas Corporation Enters into \$185 Million Senior Term Loan" (ATP 002520 - 2532.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
195.	03/--/04, Credit Suisse First Boston Confidential Information Memorandum, "\$175,000,000 Senior Secured Term Loan Facility" regarding ATP (ATP 0038331 - 38391.)	Cumulative (same as Ex. 153) (FRE 403.)	
196.	03/29/04, unsigned Second Lien Credit Agreement between ATP and Credit Suisse First Boston (ATP 038395 - 38475.)		
197.	09/27/04, ATP press release, "ATP Lowers Interest Rate and Expands Credit Facility"	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
198.	09/30/04, ATP's Form 8-K (ATP 002567 - 2589.)		
199.	09/--/04, Credit Suisse First Boston Confidential Information Memorandum, "Amendment and Repricing of \$185,000,000 Senior Secured Term Loan Facility" (ATP 038251 - 38316.)		
200.	09/24/04, Engagement Letter between Credit Suisse First Boston and ATP regarding "Proposed Amendments to First Lien Credit Agreement and Second Lien Credit Agreement" (CSSU-ATP0-000040 - 43.)	Immaterial & irrelevant (FRE 402, 403.)	
201.	09/24/04, Amendment No. 1, Consent, Waiver and Agreement to the First Lien Agreement between ATP and Credit Suisse First Boston (ATP 002571 - 2581.)	Cumulative (same as Ex. 202) (FRE 403.)	
202.	09/29/04, Amendment No. 1, Consent, Waiver and Agreement to the First Lien Agreement between ATP and Credit Suisse First Boston (ATP ?????? - ????.)	Cumulative (same as Ex. 201) (FRE 403.)	

## Exhibit D6 to Joint Pre-Trial Order

III Ex.	Description <sup>1</sup>	Δ Objection	Admitted/ Not Admitted
203.	12/31/04, ATP's Form 10-K (ATP 004508 - 4606.)		
204.	11/16/04, unsigned Certificate of Authorized Officer (ATP 038393.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
205.	11/18/04, unsigned Certificate of Authorized Officer (ATP 038392.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
206.	03/--/05, Credit Suisse First Boston Confidential Information Memorandum, “\$350,000,000 Senior Secured Term Loan Facility” (ATP 038078 - 38141.)		
207.	04/13/05, Engagement Letter between Credit Suisse First Boston and ATP regarding “Proposed Amendment and Restatement of the First Lien Credit Agreement” (CSSU-ATP0-000006 - 10.)	Immaterial & irrelevant, cumulative (FRE 402, 403.)	
208.	04/14/05, Amended and Restated Credit Agreement between ATP and Credit Suisse First Boston (ATP 001190 - 1267.)		
209.	04/14/05, Amendment Agreement to the First Lien Credit Agreement between ATP and Credit Suisse First Boston (ATP 002651 - 2659.)	Cumulative (same as Ex. 210) (FRE 403.)	
210.	04/14/05, Amendment Agreement to the First Lien Credit Agreement between ATP and Credit Suisse First Boston (ATP 001142 - 1159.)	Cumulative (same as Ex. 209) (FRE 403.)	
211.	04/14/05, Letter from ATP to Credit Suisse First Boston regarding “Borrowing Request” (ATP 001160.)	Immaterial & irrelevant, incomplete (FRE 402, 403.)	
212.	04/14/05, Form of ATP Administrative Questionnaire regarding Amended and Restated Credit Agreement (ATP 001268.)	Immaterial & irrelevant, incomplete (FRE 402, 403.)	